

IN RE: PETITION FOR ZONING VARIANCE
NW/8 Cherry Hill Road, 55' N
of the c/l of Treeline Drive;
SE of the c/l intersection of
Deacon Brook Circle and
Gwynnwest Road
(Suburbia Addition)
Macintosh-I Limited Part./Macks
Homes - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-517-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances from Sections 1801.2.C.6 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from V.B.3.b of the C.M.D.P. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwellings on lots 53 and 154 for Lots 52 and 155, respectively; a building to building distance of 23 feet in lieu of the required 30 feet to the existing dwelling on Lot 160 for Lot 159; a building to building distance of 26 feet in lieu of the required 30 feet to the existing dwelling on Lot 175 for Lot 174; a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot 184 for Lot 185; a building to building distance of 26 feet in lieu of the required 30 feet to the proposed dwelling on Lot 194 and a building to building distance of 23 feet in lieu of the required 30 feet to the proposed dwelling on Lot 196, both for Lot 195; a building to building distance of 23 feet in lieu of the required 30 feet to the proposed dwelling on Lot 199, both for Lot 198; and a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot 202 for Lot 203, all as more particularly described on Petitioner's Exhibits 3 and 4.

The Petitioners, by Lawrence M. Macks, Vice President, and Jonathan C. Mayers, appeared and testified. Appearing as a Protestant in the matter was Mike DeBow, a nearby property owner.

Testimony indicated that the subject property, known as Suburbia Addition, is a 185-lot subdivision consisting of two parcels, Sheet 1 of 2 containing 17.161 acres more or less and Sheet 2 of 2 containing 23.618 acres more or less, is split zoned D.R. 3.5 and 5.5, and is proposed for development as single family and multi-family dwelling units. Petitioners testified the requested variances are needed in order to develop 8 of the 185 lots in compliance with current C.M.D.P. revisions. Testimony indicated that Petitioners are desirous of developing a slightly larger house on the subject 8 lots as a result of market demands. Petitioners testified that all lots comply with proposed C.M.D.P. regulations and that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Pat Keller, Deputy Director of the Office of Planning, testified in support of the relief requested, indicating that the plan as presented meets the requirements set forth in their comments dated August 1, 1991.

Mike DeBow appeared and testified in general opposition to the relief requested. Testimony indicated that Mr. DeBow purchased his lot on the basis that all dwelling units would be constructed at least 30 feet apart and that in his opinion, strict compliance with the B.C.Z.R. should be required.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of September, 1991 that the Petition for Zoning Variance from Sections 1801.2.C.6 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from V.B.3.b of the C.M.D.P. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwellings on Lots 53 and 154 for Lots 52 and 155, respectively; a building to building distance of 23 feet in lieu of the required 30 feet to the existing dwelling on Lot 160 for Lot 159; a building to building distance of 26 feet in lieu of the required 30 feet to the existing dwelling on Lot 175 for Lot 174; a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot 184

for Lot 185; a building to building distance of 26 feet in lieu of the required 30 feet to the proposed dwelling on Lot 194 and a building to building distance of 23 feet in lieu of the required 30 feet to the proposed dwelling on Lot 196, both for Lot 195; a building to building distance of 23 feet in lieu of the required 30 feet to the proposed dwelling on Lot 197 and a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot 199, both for Lot 198; and a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot 202 for Lot 203, in accordance with Petitioner's Exhibits 3 and 4, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING
Date 9/5/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/5/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/5/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/5/91
By [Signature]

RE: PETITION FOR VARIANCES
FROM BUILDING TO BUILDING
DISTANCES
(Intersection of Tree Drive
and Cherry Hill Road)
(Suburban Division)
4th Election District
3rd Councilman District
MACINTOSH-I LIMITED PARTNERSHIP/
MACKS HOMES
Petitioner

* BEFORE THE
* ZONING
* COMMISSIONER
* OF
* BALTIMORE COUNTY
* Zoning Case No.
* 91-517-A

SUBPOENA

TO:
MR. PAT KELLER
Deputy Director
Office of Planning and Zoning
County Courts Building
Suite 406
401 Bosley Avenue
Towson, Maryland 21204

You are hereby summoned and commanded TO BE AND APPEAR PERSONALLY BEFORE the Zoning Commissioner of Baltimore County, Room 106, County Office Building, Towson, Maryland 21204 on Thursday, September 5, 1991 at 2:00 P.M. for the purpose of testifying at the request of E. Scott Moore, the Attorney for the Petitioner. Any questions should be referred to E. Scott Moore, Esquire, 4111 E. Joppa Road, Suite 201, Baltimore, Maryland 21236, (301) 529-4600.

HEREOF FAIL NOT and have you then and there this Subpoena.

BY ORDER OF the Zoning Commissioner of Baltimore County.

Private Process Server

Please process in accordance with Zoning Commissioner Rule IV(a).

Issued 9/5/91

J. Robert Haines
Zoning Commissioner

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 9, 1991

Mr. Lawrence M. Macks
6615 Reisterstown Road
Baltimore, Maryland 21215
RE: PETITION FOR ZONING VARIANCE
NW/8 Cherry Hill Road, 55' N of the c/l of Treeline Drive,
SE of the c/l intersection of Deacon Brook Circle and Gwynnwest Road
(Suburbia Addition)
4th Election District - 3rd Councilman District
Macintosh-I Ltd. Part./Macks Homes - Petitioners
Case No. 91-517-A

Dear Mr. Macks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: Mr. Mike DeBow
14 Harrod Court, Reisterstown, Md. 21136

People's Counsel

File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-517-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.6 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from V.B.3.b of the C.M.D.P. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwellings on Lots 53 and 154 for Lots 52 and 155, respectively; a building to building distance of 23 feet in lieu of the required 30 feet to the existing dwelling on Lot 160 for Lot 159; a building to building distance of 26 feet in lieu of the required 30 feet to the existing dwelling on Lot 175 for Lot 174; a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot 184

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Engineer
W. Duvall & Associates, Inc.
(Type or Print Name)
Signature
530 East Joppa Road
Towson, Maryland 21204
City and State
Attorney for Petitioner
Lawrence M. Macks
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Legal Owner(s):
Macintosh-I Limited Partnership/Macks
(Type or Print Name)
Homes
Signature
(Type or Print Name)
6615 Reisterstown Road (301) 358-4934
Address Phone No.
Baltimore, Maryland 21215
City and State
Name, address and phone number of legal owner, contact purchaser or representative to be contacted
Lawrence M. Macks
6615 Reisterstown Road
Baltimore, Maryland 21215 (301) 358-4934
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of September, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of September, 1991, at 2:00 o'clock P.M.

ESTIMATED LENGTH OF HEARING
MON./TUE./WED./THUR./FRI./SAT./SUN.
FILED BY: [Signature] DATE: 9-5-91

ORDER RECEIVED FOR FILING
Date 9/5/91
By [Signature]

W. DUVAL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ATTACHMENT 'A'

- | | |
|----------|--|
| Lot # 52 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on Lot #53. |
| Lot #155 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on Lot #154. |
| Lot #159 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 23 feet in lieu of the required 30 feet to the existing dwelling on Lot #160. |
| Lot #174 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 26 feet in lieu of the required 30 feet to the existing dwelling on Lot #175. |
| Lot #185 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot #184. |
| Lot #195 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 26 feet in lieu of the required 30 feet to the proposed dwelling on Lot #194 and a variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 23 feet in lieu of the required 30 feet to the proposed dwelling on Lot #196. |
| Lot #198 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot #197 and a variance from sections 1801.2.C.6 and 504 and (V.B.3.b), to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot #199. |
| Lot #203 | Variance from sections 1801.2.C.6 and 504 and (V.B.3.b) to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lot #202. |

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

91-517-A

November 30, 1990

Description for Zoning Variance
Part of "Suburbia Addition"
4th Election District, Baltimore County, Maryland

BEGINNING for the same at a point on the northwesternmost side of Cherry Hill Road said point being northerly 55 feet more or less from the centerline intersection of Cherry Hill Road, 50 foot Right of Way and Treeline Drive, variable width Right of Way, thence running the following eleven courses and distances viz:

- 1) Binding on said Treeline Drive North 85 degrees 38 minutes 35 seconds West 18.14 feet thence
- 2) By a curve to the right having a radius of 850.76 feet and an arc length of 65.24 feet; thence
- 3) By a curve to the left having a radius of 850.76 feet and an arc length of 65.24 feet; thence
- 4) By a curve to the left having a radius of 780.00 feet and an arc length of 680.55 feet; thence
- 5) South 89 degrees 22 minutes 00 seconds West 248.05; thence
- 6) By a curve to the right having a radius of 413.06 feet and an arc length of 221.58 feet; thence leaving Treeline Drive
- 7) South 29 degrees 33 minutes 12 seconds West 212.03 feet; thence
- 8) South 49 degrees 21 minutes 25 seconds West 105.74 feet; thence
- 9) South 40 degrees 38 minutes 35 seconds East 995.52 feet; thence
- 10) North 49 degrees 21 minutes 25 seconds East 377.00 feet; thence
- 11) North 52 degrees 19 minutes 10 seconds East 200.25 feet; thence
- 12) North 49 degrees 21 minutes 25 seconds East 343.00 feet to the point of beginning.

CONTAINING 17.161 acres of land, more or less.



530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

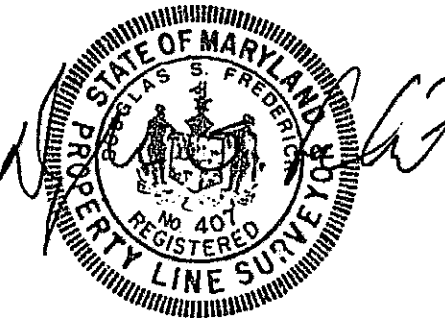
November 30, 1990

Description for Zoning Variance
Part of Suburbia Addition
4th Election District, Baltimore County, Maryland

BEGINNING for the same at a point being South 15 degrees 12 minutes 21 seconds East 330.90 feet from the centerline intersection of Deacon Brook Circle, 50 feet Right-of-Way and Gwynnwest Road, variable width Right-of-Way; thence running the following eighteen courses and distances viz:

- 1) Binding on said Gwynnwest Road, South 27 degrees 25 minutes 06 seconds East 91.60 feet; thence
- 2) By a curve to the right having a radius of 460.58 feet and an arc length of 294.61 feet; thence
- 3) South 09 degrees 13 minutes 49 seconds East 317.68 feet; thence
- 4) By a curve to the left having a radius of 382.03 feet and an arc length of 551.62 feet; thence
- 5) South 73 degrees 30 minutes 00 seconds East 36.13 feet; thence
- 6) North 63 degrees 38 minutes 53 seconds East 14.69 feet; thence
- 7) South 69 degrees 14 minutes 51 seconds East 61.72 feet to a point on the easternmost Right of Way line of Treeline Drive, variable width Right of Way; thence binding thereon
- 8) By a curve to the left having a radius of 413.06 feet and an arc length of 295.29 feet; thence
- 9) South 69 degrees 53 minutes 52 seconds West 163.88 feet; thence
- 10) South 34 degrees 26 minutes 38 seconds West 168.28 feet; thence
- 11) North 40 degrees 38 minutes 35 seconds West 1064.10 feet; thence
- 12) North 60 degrees 05 minutes 50 seconds West 498.80 feet; thence
- 13) North 68 degrees 19 minutes 22 seconds East 175.56 feet; thence
- 14) North 40 degrees 42 minutes 08 seconds West 115.60 feet; thence
- 15) North 23 degrees 00 minutes 37 seconds West 501.10 feet; thence
- 16) South 75 degrees 31 minutes 37 seconds East 1003.08 feet; thence
- 17) North 75 degrees 58 minutes 12 seconds East 99.00 feet; thence
- 18) North 02 degrees 28 minutes 12 seconds East 170.23 feet to the point of beginning.

CONTAINING 23.618 acres of land, more or less.



530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

CERTIFICATE OF POSTING

91-517-A

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: August 6, 1991
Posted for: Variance
Petitioner: Macintosh-I Limited Partnership/Mecks Homes
Location of property: Intersection of Treeline Drive and Cherry Hill Road
Location of Sign: North side of Cherry Hill Road, approx. 150' West of Treeline Drive
Remarks: _____
Posted by: S. J. Gatta Date of return: August 2, 1991
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/8, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/8, 1991.

THE JEFFERSONIAN,

Publisher

\$101.72

CERTIFICATE OF PUBLICATION

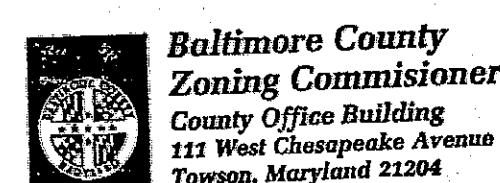
TOWSON, MD., 8/8, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/8, 1991.

OWINGS MILLS TIMES,

Publisher

\$101.72

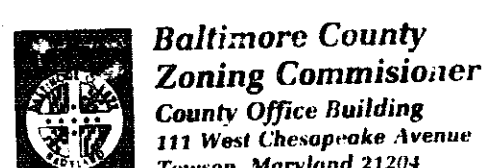


Account: R-001-6150
Number

Date: 8/20/91
PUBLIC HEARING FEES
\$10 - ZONING VARIANCE (1RL) R X \$35.00
TOTAL: \$280.00
LAST NAME OF OWNER: MACINTOSH-1 LTD P

D4A04#0043MICHRC \$280.00
D4A04#0043MICHRC
Please Make Checks Payable To: Baltimore County

Cashier Validation



Account: R-001-6150
Number

Date: 8/20/91
PUBLIC HEARING FEES
\$10 - ZONING VARIANCE (1RL) R X \$35.00
TOTAL: \$280.00
LAST NAME OF OWNER: MACINTOSH-1 LTD P

Please Make Checks Payable To: Baltimore County \$126.72
PR 0001-501PH05-75 91

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

847-3353

DATE: 8/20/91

Macintosh-I Limited Partnership/Mecks Homes
6615 Baltimore Road
Baltimore, Maryland 21215

RE:
Case Number: 91-517-A
Intersection of Tree Drive and Cherry Hill Road
Suburbia Division
4th Election District - 3rd Councilmanic
Petitioner(s): Macintosh-I Limited Partnership/Mecks Homes
HEARING: THURSDAY, SEPTEMBER 5, 1991 AT 2:00 P.M.

Dear Petitioner(s):

Please be advised that \$126.72 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue
Towson, MD 21204

847-3353

JULY 12, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-517-A
Intersection of Tree Drive and Cherry Hill Road
Suburbia Division
4th Election District - 3rd Councilmanic
Petitioner(s): Macintosh-I Limited Partnership/Mecks Homes
HEARING: WEDNESDAY, SEPTEMBER 11, 1991 AT 9:00 A.M.

Variance to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on Lots #53 and #154; to permit a building to building distance of 23 feet in lieu of the required 30 feet to the existing dwelling on Lot #160; to permit a building to building distance of 26 feet in lieu of the required 30 feet to the existing dwelling on Lot #175; to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lots #184 and #199 and #202; to permit a building to building distance of 26 feet in lieu of the required 30 feet to the proposed dwelling on Lot #194; to permit a building to building distance of 23 feet in lieu of the required 30 feet to the proposed dwelling on Lots #196 and #197

Zoning Commissioner of
Baltimore County

cc: Macintosh-I Limited Partnership/Mecks Homes
W. Duvall & Associates, Inc.
Lawrence H. Mecks, Esq.

111 West Chesapeake Avenue
Towson, MD 21204

847-3353

JULY 17, 1991

CHANGE* IN NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-517-A
Intersection of Tree Drive and Cherry Hill Road
Suburbia Division
4th Election District - 3rd Councilmanic
Petitioner(s): Macintosh-I Limited Partnership/Mecks Homes
HEARING: THURSDAY, SEPTEMBER 5, 1991 AT 2:00 P.M.

Variance to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on Lots #53 and #154; to permit a building to building distance of 23 feet in lieu of the required 30 feet to the existing dwelling on Lot #160; to permit a building to building distance of 26 feet in lieu of the required 30 feet to the existing dwelling on Lot #175; to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on Lots #184 and #199 and #202; to permit a building to building distance of 26 feet in lieu of the required 30 feet to the proposed dwelling on Lot #194; to permit a building to building distance of 23 feet in lieu of the required 30 feet to the proposed dwelling on Lots #196 and #197

Zoning Commissioner of
Baltimore County

cc: Macintosh-I Limited Partnership/Mecks Homes
W. Duvall & Associates, Inc.
Lawrence H. Mecks, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 12, 1991

Mr. Lawrence M. Macks
Macintosh-I Lmtd Prtnrshp
6615 Reisterstown Road
Baltimore, MD 21215

RE: Item No. 469, Case No. 91-517-A
Petitioner: Macintosh-I Lmtd Prtnrshp
Petition for Zoning Variance

Dear Mr. Macks:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Mark Kroom
W. Duvall & Associates, Inc.
530 East Joppa Road
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 16th day of July, 1991.

Received By:
Arnold Jablon
Director

Petitioner: Macintosh-I Limited Partnership
Petitioner's Attorney:

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JULY 26, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MACINTOSH-I LIMITED PARTNERSHIP
Location: SURBURPIA ADDITION
Item No.: 469 Zoning Agenda: July 9, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

#5 The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 6, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for July 9, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 504, 506, 507, 508, 511, 512 and 513.

For Items 469, 509 and 514, the previous County Review Group Meeting Comments are still applicable.

For Item 174, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Hammonds Ferry Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 50-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.
- The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25 foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.

Zoning Advisory Committee Meeting for
July 9, 1991
Page 2

- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

For Item 300, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Sudbrook Lane is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.
- The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.

Zoning Advisory Committee Meeting for
July 9, 1991
Page 3

- The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

91-517-A 7/2/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

Date: August 28, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z. A. C. comments

Z. A. C. MEETING DATE: July 9, 1991

This office has no comments for item numbers 469, 504, 506, 507, 508, 511, 512 and 513.

Rahee J. Famili
Traffic Engineer II

RJF:bza

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 11, 1991

Macintosh-I Limited Partnership/Macks Homes
6615 Reisterstown Road
Baltimore, MD 21215

RE: Petition Filed in Zoning Office
Item Number 469

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Variance has not been placed on the agenda for the week of June 18, 1991. According to our records, this Petition was filed on June 5, 1991 with John R. Alexander.

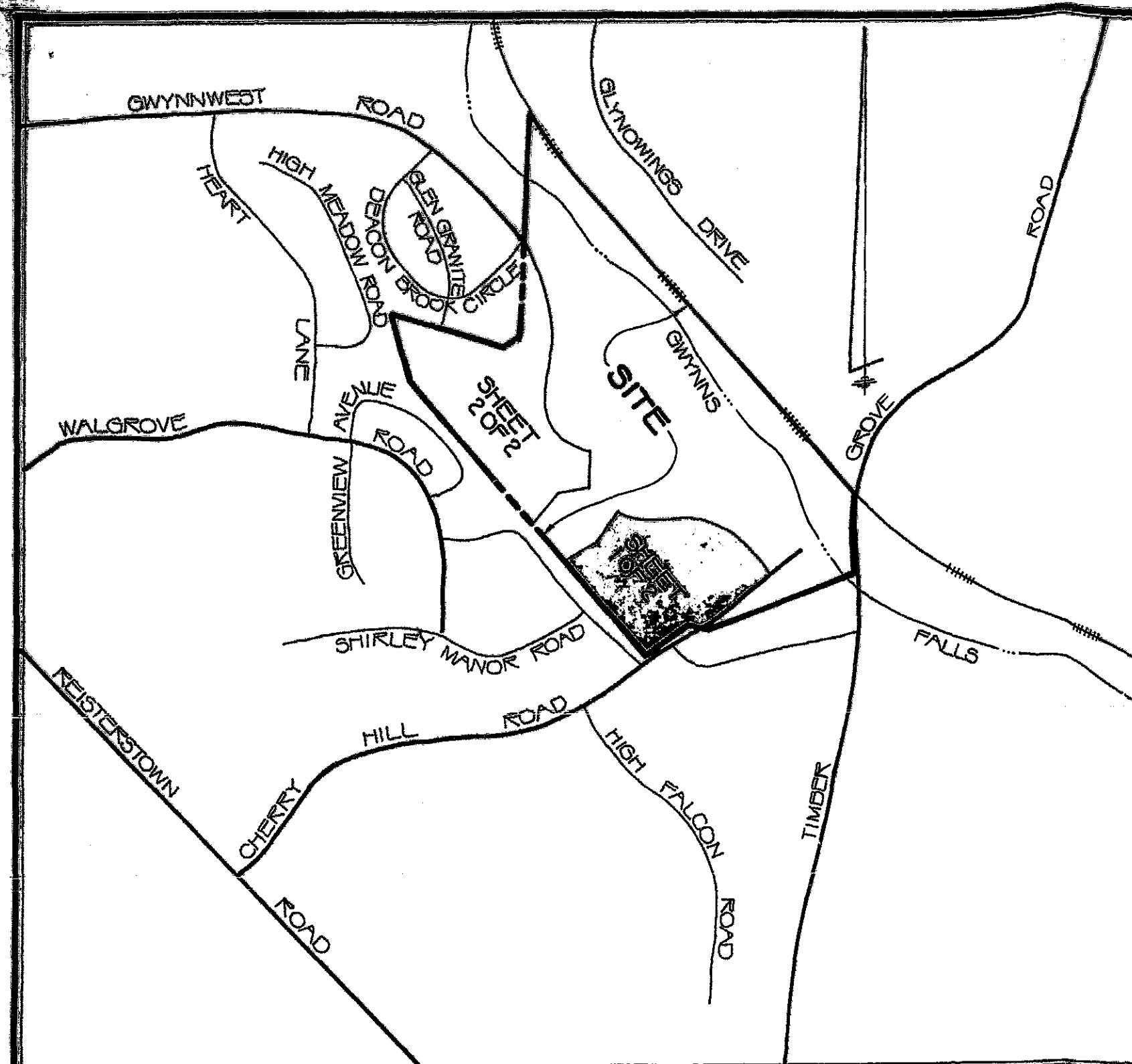
In order for this Petition to be placed on the next agenda, you must contact Mr. Alexander at 887-3391 to rectify the problem.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

cc: Lawrence M. Macks, Esquire
W. Duvall & Associates, Inc.

Rec'd _{per} 8/1/91



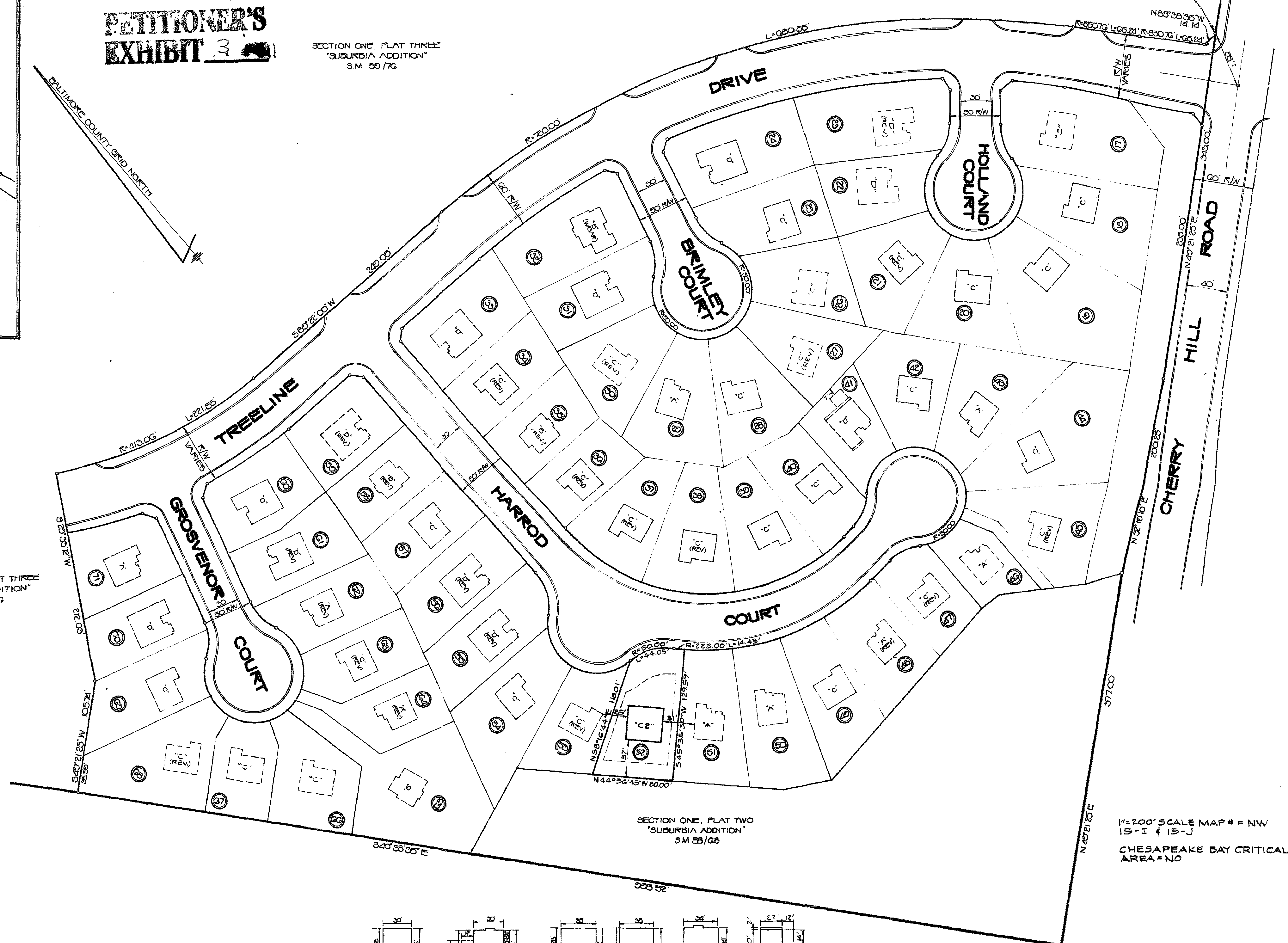
VICINITY MAP
SCALE: 1" = 1000'

NOTES:

1. ALL THE PUBLIC UTILITIES TO SERVICE THIS SUBDIVISION ARE PROPOSED.
 2. EXISTING ZONING IS DR 35 & DR 5.5.
 3. C.R.G. APPROVAL DATE OCT. 1, 1987.
 4. P.W.A. NO. 48801.
 5. PARKING REQUIRED = 2/LOT = 110 SPACES.
 6. PARKING PROPOSED = 110 SPACES.
 7. PRIOR ZONING CASE NO. 00-505-A (LOT 41) GRANTED JULY 31, 1990.
 8. NO SIDE WINDOWS SHALL BE PERMITTED UNLESS IN STRICT COMPLIANCE WITH ZONING REGULATIONS OR ADDITIONAL VARIANCES ARE APPLIED FOR.
- ZONING VARIANCES REQUESTED

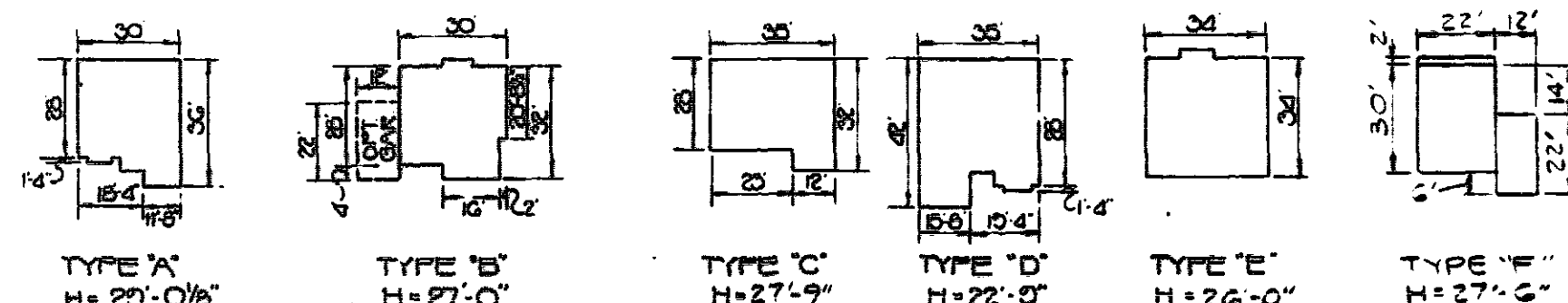
- ATTACHMENT "A"
- Lot # 52 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on lot #53.
- Lot #155 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on lot #154.
- Lot #159 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on lot #160.
- Lot #174 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the existing dwelling on lot #175.
- Lot #185 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on lot #186.
- Lot #195 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on lot #196 and a variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on lot #198.
- Lot #196 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on lot #197 and a variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on lot #198.
- Lot #203 Variance from sections 1801.2.C.6 and 504 and 19.B.3.b.1. to permit a building to building distance of 25 feet in lieu of the required 30 feet to the proposed dwelling on lot #202.

SECTION ONE, FLAT THREE
"SUBURBIA ADDITION"
S.M. 50/76



SECTION ONE, FLAT TWO
"SUBURBIA ADDITION"
S.M. 50/66

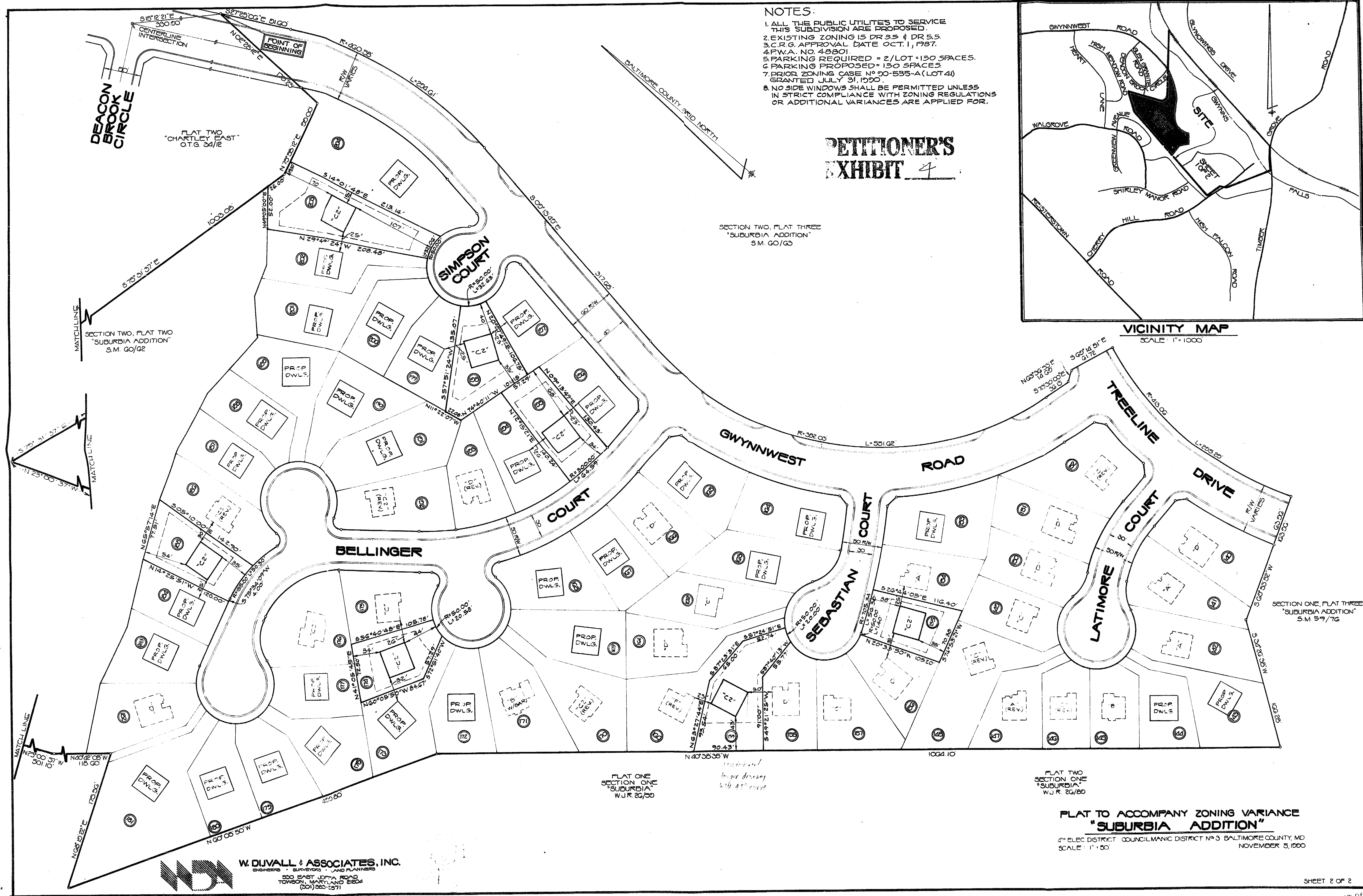
1"=200' SCALE MAP = NW
15-1 & 15-2
CHESAPEAKE BAY CRITICAL
AREA = NO



TYPICAL BUILDING LAYOUT

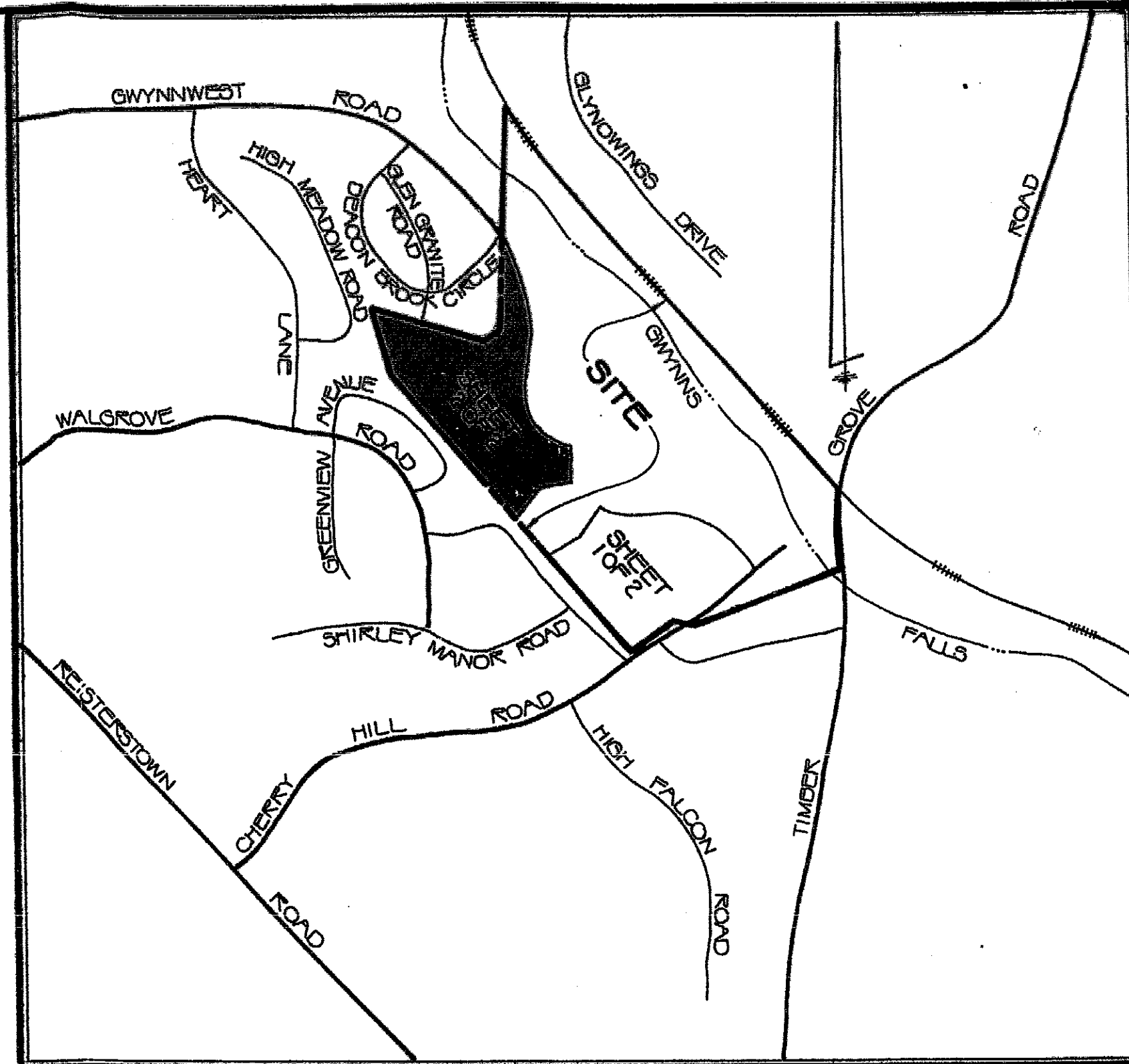
FLAT TO ACCOMPANY ZONING VARIANCE
"SUBURBIA ADDITION"
4TH ELEC. DISTRICT COUNCILMANIC DISTRICT NO. 3 BALTIMORE COUNTY, MD
SCALE: 1" = 50'

W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
200 EAST JORTA ROAD
TOWSON, MARYLAND 21204
(410) 552-2571



- NOTES:
1. ALL THE PUBLIC UTILITIES TO SERVICE THIS SUBDIVISION ARE PROPOSED.
 2. EXISTING ZONING IS DR 2.5 & DR 5.5.
 3. C.R.G. APPROVAL DATE OCT. 1, 1987.
 4. F.W.A. NO. 48801.
 5. PARKING REQUIRED = 2/LOT = 130 SPACES.
 6. PARKING PROPOSED = 130 SPACES.
 7. PRIOR ZONING CASE NO. 50-535-A (LOT 4) GRANTED JULY 31, 1980.
 8. NO SIDE WINDOWS SHALL BE PERMITTED UNLESS IN STRICT COMPLIANCE WITH ZONING REGULATIONS OR ADDITIONAL VARIANCES ARE APPLIED FOR.

PETITIONER'S EXHIBIT 4

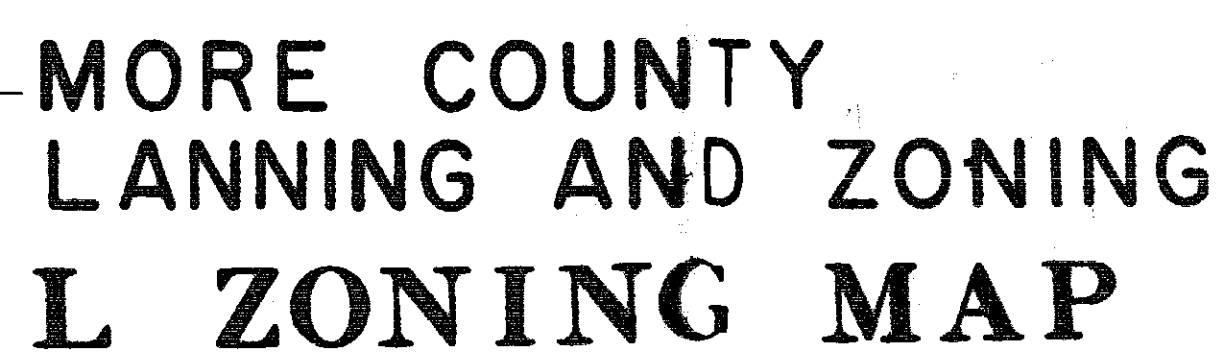


VICINITY MAP
SCALE: 1" = 1000'

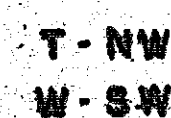
PLAT TO ACCOMPANY ZONING VARIANCE
"SUBURBIA ADDITION"

1ST ELEC. DISTRICT COUNCILMANIC DISTRICT NO. 3, BALTIMORE COUNTY, MD
SCALE: 1" = 50' NOVEMBER 3, 1990

W. DUVAL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, AND PLANNERS
300 EAST JORDAN ROAD
TOWSON, MARYLAND 21204
(410) 283-1571



SCALE 1" = 200'	LOCATION REISTERSTOWN AREA DELIGHT	<div>15-56</div> <div>SHEET</div> <div>N W</div> <div>15-J</div>
DATE OF PHOTOGRAPHY JANUARY 1986		



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 11, 1988

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SUDHART-BORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION
REISTERSTOWN
AREA
DELIGHT

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP